

IN THE UNITED STATES OF ARKANSAS
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

GEORGE GADD

MOVANT

vs.

NO. 4:08MC00009 BSM

MICHELE M. LEONHART, ACTING
ADMINISTRATOR, DRUG ENFORCEMENT
ADMINISTRATION

RESPONDENT

ORDER

George Gadd (“Gadd”) filed an Application for Preliminary Injunction, requesting the court to enjoin Respondent Michele M. Leonhart from removing Gadd from his position with the Drug Enforcement Administration until completion of the EEO administrative process applicable to him. Leonhart’s has filed a motion to dismiss (Doc. No. 4,) to which Gadd has responded. For the reasons set forth below, the motion is granted.

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Absent a complaint, the court lacks jurisdiction to consider a plaintiff’s petition for injunctive relief. *Adair v. England*, 193 F. Supp. 2d 196, 200 (D. D. C. 2002); *P. K. Family Rest. v. Internal Revenue Serv.*, 535 F Supp. 1223, 1224 (N.D. Ohio 1982). Here, Gadd has failed to file a complaint and the court is without jurisdiction to consider Gadd’s application.

Gadd asks that if the court determines that the complaint is required, he be allowed to add the words “Complaint and” to the style of his application for an injunction. Gadd’s request is denied. Because Gadd filed a “motion,” rather than a complaint, he was not charged the statutory filing fee and the case was docketed as a miscellaneous action rather than a regular civil action. There is no reason why Gadd should not comply with the Federal Rules, file a complaint which complies with

Rule 8 of the Federal Rules of Civil Procedure, pay the appropriate filing fee and serve the defendant with a summons and complaint.

Accordingly, the motion to dismiss is granted. The case is hereby dismissed without prejudice.

IT IS SO ORDERED this 22nd day of July, 2008.


UNITED STATES DISTRICT JUDGE